

## **Yeshiva University Course Materials Intellectual Property Policy**

In keeping with longstanding academic custom, barring certain exceptions, faculty members are free to copyright Course Materials (defined below) that they develop in connection with their academic activities, even though performed as part of their regular duties at Yeshiva University (“the University”).

There are several exceptions to this general rule: (1) materials created with the Substantial Use of University Resources (defined below); (2) Institutional Works (defined below); and (3) course materials created for programs financed by grants or governed by contracts imposing express obligations on the University.

### **Course Materials Defined**

“Course Materials” are materials used in connection with courses and/or programs delivered at, or under the auspices of, the University. They may be created in any media, whether now existing or hereafter developed, including any print or electronic media, and delivered via physical distribution, the Internet, or other means (e.g., television).

By way of illustration, Course Materials include, but are not limited to, course syllabi, course reading lists, lecture notes, handouts, problems and examples, presentation materials (such as content made available to students through Blackboard, PowerPoint, and similar programs, platforms and/or technologies), course tests and examinations. Course Materials exclude traditional works of scholarship. For the avoidance of doubt, Course Materials include materials created and delivered both for classroom and online courses.

### **Exceptions to the General Policy**

As stated above, there are three exceptions to the general Course Materials policy:

#### **(1) Substantial Use**

Works created with the “Substantial Use of University Resources” shall constitute works made for hire and the copyright in such works shall be owned by the University. Substantial Use of University Resources means the use of University resources (including, without limitation, expert University services, University computer infrastructure, University equipment, services of University nonfaculty employees) that exceeds the level of University resources that is commonly and customarily accessed by faculty in the course of performing their academic duties.

#### **(2) Institutional Works**

Institutional works such as journals, periodicals, yearbooks, compendia, anthologies, films or other materials published or distributed by the University or otherwise created for some University purpose (“Institutional Works”) shall constitute works made for hire and the copyright in such works shall be owned by the University.

Institutional Works further include works produced as a collaborative effort under the aegis of a school or department, for example, works created in a project initiated by a school or department, or works that are created and then developed and improved over time by a series of individuals, where authorship cannot be attributed to any one individual or group of individuals. An example of the latter would be software that is developed and then improved and updated over time by multiple creators.

### **(3) Programs Financed by Grants or Governed by Contract**

Works made for programs financed by grants or governed by contracts imposing express obligations upon the University with respect to such programs or such works shall constitute works made for hire and the copyright in such works shall be owned by the University.

### **Commercial & Noncommercial Use**

“Commercial Use” is defined as use of a work with the intention of making a profit. “Noncommercial Use” is defined as use of a work for non-profit educational, teaching, or research purposes, or any other purpose not intended to generate profit.

While employed by the University, faculty members have the right to make Noncommercial Use of all Course Materials that they have created. This right includes the right to teach courses and make derivative works of Course Materials at other academic institutions as part of ordinary scholarly exchanges, including visiting professorships and guest lectures, provided that these activities constitute Noncommercial Use.

Faculty members may not make Commercial Use of Course Materials without the approval of the Provost. Where a faculty member holds the copyright in Course Materials, the University will not make Commercial Use of such Course Materials without the agreement of such faculty member.

If a faculty member’s employment at the University ends, the faculty member may make Commercial Use and Noncommercial Use of all Course Materials owned by the faculty member and may make Noncommercial Use of Course Materials owned by the University (provided in each case that no use of the University name is made in connection therewith). However, a former faculty member may not make Commercial Use of any Course Materials owned by the University without permission of the Provost.

### **Use of University Name**

Use of the University’s name in connection with a work, other than by way of identification of the creator as a faculty member, researcher, other employee or student at the University, is itself use of a significant University resource, thus triggering an interest on the part of the University. Additionally, use of the University’s name can affect the reputation and academic standing of the institution. Faculty members, researchers, other employees, and students may not participate in

the creation or use of works that might give the impression of University sponsorship or approval where there is none. Any use of the University name in connection with a work created by a faculty member, researcher or other employee except in connection with the use of such work in connection with courses taught under University auspices must be approved in advance by the Provost.

Similarly, if the name of the University is to be used in connection with any works created under collaborative agreements with outside entities other than to identify the creator by his or her title at the University, such agreements must be approved in advance by the Provost.

### **License for University**

With respect to any Course Materials owned by a faculty member, the faculty member hereby grants to the University a royalty-free, non-exclusive, irrevocable, perpetual right and license to copy, distribute, display, perform, create derivative works of, and otherwise use such Course Materials in connection with the University's educational and other institutional activities.

### **Assignment of Copyright**

With respect to any Course Materials owned by a faculty member, the faculty member may freely assign the work without University approval, provided that the assignee agrees to be bound by the terms and conditions of this policy in respect of the assigned Course Materials.